

AMENDED IN SENATE MARCH 29, 2006

AMENDED IN SENATE MARCH 20, 2006

SENATE BILL

No. 1323

Introduced by Senator Cedillo

February 16, 2006

An act relating to mental health, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1323, as amended, Cedillo. ~~Mental~~ *Los Angeles County mental health: treatment pilot program for felony offenders.*

Existing law requires the State Department of Mental Health to develop, implement, and regulate various mental health programs in this state. Existing law, the Bronzan-McCorquodale Act, establishes provisions to organize and finance community mental health services for persons with mental disorders in every county through locally administered and locally controlled community mental health programs.

This bill would appropriate ~~\$2,500,000~~ *\$350,000* from the General Fund to the department for allocation to the County of Los Angeles, *at the consent of the county*, for the purpose of creating ~~5 positions~~ *one position* within the Los Angeles County Department of Mental Health to work, in conjunction with the Los Angeles County Superior Court, on a 5-year Co-existing Mental Disorders Treatment Pilot Program for felony offenders in the state who have been identified as having both serious mental health and substance abuse problems.

The bill would require the Los Angeles County Department of Mental Health to collaborate with a prototype court, as defined, and

would require collaboration with the court and prescribed other local agencies to successful implementation of the program.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) People with a mental illness are significantly
4 overrepresented in jails and prisons.

5 (b) Approximately 5 percent of the United States population
6 has a serious mental illness. However, according to the United
7 States Department of Justice, 16 percent of the prison and jail
8 population has a mental illness.

9 (c) The Los Angeles County Jail holds more people with
10 mental illness on any given day than any psychiatric facility in
11 the United States.

12 (d) *It is expensive to keep mental health patients in jail. The*
13 *cost of drug treatment for inmates in California Department of*
14 *Corrections and Rehabilitation (CDCR) is eleven dollars (\$11)*
15 *per day. Treatment extends anywhere from six months to two*
16 *years. This cost translates to an additional cost of four thousand*
17 *dollars (\$4,000) per year, per inmate. There are approximately*
18 *3,000 inmates in CDCR receiving some level of mental health*
19 *services.*

20 (e) *Inmates with mental illnesses tend to stay in jail longer*
21 *than other people. In 2000, in Pennsylvania, inmates with mental*
22 *illnesses were twice as likely as other inmates to serve their*
23 *maximum sentence.*

24 (f) *Mental health inmates have some of the highest rates of*
25 *recidivism. Ninety percent of Los Angeles County jail inmates*
26 *with mental illness are repeat offenders. An estimated 31 percent*
27 *have been incarcerated 10 or more times.*

28 (g) *Three quarters of inmates with a mental illness have a*
29 *cooccurring substance abuse problem, a fact which emphasizes*
30 *why a coordinated approach to treatment is needed.*

31 (h) *Individuals with cooccurring mental illness and substance*
32 *abuse disorders suffer more severe difficulties and use services*
33 *more often than people with only one disorder.*

1 (i) A coordinated approach to treatment leads to a decrease in
2 recidivism and an increase in treatment adherence. In the case of
3 cooccurring disorder courts, staff at the Lane County Substance
4 Abuse Mental Health Services Administration (SAMHSA) jail
5 diversion program report that treatment adherence among
6 cooccurring individuals is actually higher than the drug offender
7 group because of the high degree of case management provided
8 by the mental health specialist liaison.

9 (j) Many of the inmates who suffer from mental illnesses are
10 incarcerated because of behaviors associated with their
11 psychiatric condition. In the Los Angeles County jail of the 1,832
12 mental health patients, 367 of them were arrested for drug or
13 alcohol offences. Nearly one-half of the inmates in prison with a
14 mental illness were incarcerated for committing a nonviolent
15 crime. A study in North Carolina found that people with mental
16 illnesses are almost three times more likely to be victims of
17 violent crimes than people without a mental illness. The
18 California Department of Justice reports that from the period
19 between 1998 and 2003, approximately 28 percent of the felony
20 arrests were due to drug offences.

21 SEC. 2. For purposes of this act, the following definitions
22 apply:

23 (a) "Participant" means to individuals who have coexisting
24 serious and persistent mental illnesses, as well as a documented
25 history of substance abuse who face felony criminal charges in
26 the downtown area of Los Angeles County.

27 (b) "Department" means to the State Department of Mental
28 Health.

29 (c) "Prototype court" means to the Co-existing Mental
30 Disorders Treatment Pilot Program administered in Department
31 113 of the Los Angeles Superior Court located in the Foltz
32 Criminal Justice Center in downtown Los Angeles.

33 SEC. 3. (a) The State Department of Mental Health shall, at
34 the consent of the county, allocate funding provided by this act to
35 the Los Angeles County Department of Mental Health for the
36 purposes of implementing a Co-existing Mental Disorders
37 Treatment Pilot Program over a five-year period commencing
38 January 1, 2007.

1 (b) The department shall conduct an evaluation of the
2 effectiveness of the program, including, but not limited to, the
3 program's effect for each participant on all of the following:

- 4 (1) Recidivism rates.
- 5 (2) Probation violations.
- 6 (3) New criminal charges.
- 7 (4) Number of psychiatric hospitalizations.
- 8 (5) Participation in mental health treatment.
- 9 (6) Participation in substance abuse treatment.
- 10 (7) Enrollment in benefits, including, but not limited to, Social
11 Security and Medi-Cal.
- 12 (8) Housing status.
- 13 (9) Employment, training, or educational activities.

14 (c) By July 1, 2012, the department shall provide a report to
15 the Legislature describing the findings of its evaluation of the
16 program.

17 SEC. 4. (a) The Los Angeles County Department of Mental
18 Health shall use the funding it receives under this act to
19 participate in the Coexisting Mental Disorders Treatment Pilot
20 Program in collaboration with the prototype court established in
21 Department 113 of the Los Angeles Superior Court.

22 (b) Defendants' initial referral to the prototype court, as well
23 as all support services provided by prototype court staff, shall be
24 voluntary.

25 (c) The Los Angeles County Department of Mental Health
26 shall use the funding to hire a probation staff who shall work
27 with the mental health staff and the prototype court to provide
28 participants with assessments, case management, referrals to
29 services and treatment, and court consultation. The team shall
30 collaborate with each participant and his or her defense attorney
31 to develop an individualized service plan designed to do all of the
32 following:

- 33 (1) Protect the safety of the public.
- 34 (2) Minimize the costs of incarceration and criminal court
35 proceedings.
- 36 (3) Provide participants with safe and stable housing.
- 37 (4) Provide participants with mental health and substance
38 abuse treatment services.
- 39 (5) Reduce participants' psychiatric hospitalizations.
- 40 (6) Reduce participants' recidivism.

1 (7) Assist participants in finding productive uses of their time,
2 including, but not limited to, employment, training, or education.

3 (8) Access health care coverage for the participant, including,
4 but not limited to, Social Security and Medi-Cal benefits.

5 (d) The Los Angeles County Department of Mental Health
6 shall monitor and track the program's effect on all of the
7 following for each participant:

8 (1) Recidivism rates.

9 (2) Probation violations.

10 (3) New criminal charges.

11 (4) Number of psychiatric hospitalizations.

12 (5) Participation in mental health treatment.

13 (6) Participation in substance abuse treatment.

14 (7) Enrollment in benefits, including, but not limited to, Social
15 Security and Medi-Cal.

16 (8) Housing status.

17 (9) Employment, training, or educational activities.

18 (e) The Los Angeles County Department of Mental Health
19 shall collaborate with Department 113 of the Los Angeles
20 Superior Court, the Los Angeles Court Probation Department,
21 other Los Angeles Superior Courts, drug courts and Proposition
22 36 courts, the Los Angeles County Department of Health
23 Services, the District Attorney, the Public Defender or other
24 defense attorneys, and the Sheriff's Department, to ensure
25 successful implementation of the program.

26 ~~SEC. 2.~~

27 ~~SEC. 5. The sum of two million five hundred thousand~~
28 ~~dollars (\$2,500,000) three hundred fifty thousand dollars~~
29 ~~(\$350,000)~~ is hereby appropriated from the General Fund to the
30 State Department of Mental Health for allocation to the County
31 of Los Angeles for the purpose of creating five positions within
32 the Los Angeles County Department of Mental Health to work,
33 in conjunction with the Los Angeles County Superior Court, on a
34 five-year Co-existing Mental Disorders Treatment Pilot Program
35 for nonviolent felony offenders in the state who have been
36 identified as having both serious mental health and substance
37 abuse problems.